

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

FEB 08 2011

JULIA C. DUDLEY, CLERK  
BY: *Fay Coleman*  
DEPUTY CLERK

DARRYL W. STEVENS,

*Plaintiff*

v.

CIVIL ACTION NO. 6:09-cv-41

ORDER

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

*Defendant.*

JUDGE NORMAN K. MOON

This matter is before the court upon consideration of the parties' cross motions for summary judgment (docket nos. 11 and 13), the magistrate judge's report and recommendation (docket no. 17), the plaintiff's objections thereto (docket no. 18), and the defendant's response (docket no. 19). As set forth in the accompanying memorandum opinion, and for the reasons given therein, it is ORDERED that the report and recommendation be ADOPTED. It is further ORDERED that plaintiffs' motion for summary judgment be DENIED, and defendant's motion be GRANTED.

The Clerk of the Court is directed to send a certified copy of this order and the accompanying opinion to all counsel of record.

Entered this 8<sup>th</sup> day of February, 2011.

*Norman K. Moon*  
NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE